

Senate File 327 - Introduced

SENATE FILE 327

BY BOULTON

A BILL FOR

1 An Act relating to claims for unemployment benefits, related
2 waivers and reporting, and including effective date
3 provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **96.33 Delayed departmental action**
2 **— personnel.**

3 The department shall dedicate one or more employees to
4 addressing claims for benefits to which any of the following
5 apply:

6 1. Claims for which thirty or more calendar days have passed
7 since a claim was filed without issuance of a notice of filing
8 of the claim pursuant to section 96.6, subsection 2.

9 2. Claims for which thirty or more calendar days have passed
10 since payment of benefits was protested without issuance of
11 a notification of the department representative's decision
12 pursuant to section 96.6, subsection 2.

13 3. Claims for which thirty or more calendar days have
14 passed since a hearing on an appeal from the department
15 representative's decision without issuance of an administrative
16 law judge's decision pursuant to section 96.3, subsection 3.

17 Sec. 2. **OVERPAYMENT OF PANDEMIC UNEMPLOYMENT ASSISTANCE**
18 **BENEFITS — WAIVER PROCEDURES.**

19 1. The department of workforce development shall establish
20 written guidance on procedures for an individual who received
21 an overpayment of pandemic emergency unemployment compensation
22 to seek a waiver of repayment of such overpayment from the
23 department as provided in the federal Coronavirus Aid,
24 Relief, and Economic Security Act, Pub. L. No. 116-136,
25 §2107(e)(2). Such guidance shall include a comprehensive
26 description of information necessary to obtain a waiver from
27 the department, specific and exclusive criteria that shall be
28 used by the department to determine whether an individual is
29 eligible for a waiver, a standardized form for seeking such a
30 waiver, information on where the form can be submitted to the
31 department by mail and by electronic means, and information
32 on how an individual can contact the department for further
33 information, including verbal discussion with a department
34 employee.

35 2. The department shall publish the written guidance

1 prominently on the department's internet site and send the
2 guidance by certified mail, return receipt requested, to each
3 individual who received an overpayment of pandemic emergency
4 unemployment compensation in this state for whom the department
5 has not waived repayment. The department shall take no
6 further action to seek such repayment from any individual
7 until the department has sent the guidance to the individual
8 and published the guidance on the department's internet site
9 as provided in this section. The department shall dedicate
10 personnel to expediting the processing of requests for waiver
11 of such repayment.

12 Sec. 3. UNEMPLOYMENT INSURANCE — MONTHLY STATUS REPORTS
13 DURING DISASTER EMERGENCY. By the first day of any month in
14 which a proclamation of disaster emergency pursuant to section
15 29C.6 relating to COVID-19, as defined in section 686D.2,
16 remains in effect, the department of workforce development
17 shall submit a report to the governor and the general assembly
18 including all of the following information regarding claims for
19 unemployment benefits in the previous month:

20 1. The average time from a claimant initially filing a claim
21 for benefits to receipt of the initial payment of benefits.

22 2. The average time from a claimant initially filing a claim
23 for benefits to the date of a hearing with the department's
24 representative pursuant to section 96.6, subsection 2, when a
25 protest of payment of benefits is made.

26 3. The average time from a claimant or employer filing an
27 appeal of the department representative's decision pursuant to
28 section 96.6, subsection 2, to the date of a hearing before an
29 administrative law judge.

30 4. The average time from a hearing before an administrative
31 law judge pursuant to section 96.6, subsection 3, to the
32 issuance of the administrative law judge's decision.

33 5. The total number of active claims to which section 96.33,
34 subsection 1, 2, or 3, as enacted by this Act, applies.

35 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate

1 importance, takes effect upon enactment.

2 EXPLANATION

3 The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

5 This bill requires the department of workforce development
6 to dedicate one or more employees to addressing claims for
7 benefits for which certain specified procedures relating to
8 such claims have not been carried out by the department for 30
9 or more calendar days.

10 The bill requires the department to establish written
11 guidance on procedures for an individual who received an
12 overpayment of pandemic emergency unemployment compensation
13 to seek a waiver of repayment of such overpayment from the
14 department as provided in federal law. The bill specifies the
15 content of such guidance. The bill requires the department to
16 publish the guidance prominently on the department's internet
17 site and send the guidance by certified mail, return receipt
18 requested, to each individual who received an overpayment
19 of pandemic emergency unemployment compensation in Iowa
20 for whom the department has not waived repayment. The bill
21 prohibits the department from taking further action to seek
22 such repayment from any individual until the department has
23 sent the guidance to the individual and published the guidance
24 on the department's internet site as provided in this section.
25 The bill requires the department to dedicate personnel to
26 expediting the processing of requests for waiver of such
27 repayment.

28 The bill requires the department of workforce development
29 to submit a monthly report to the governor and the general
30 assembly including certain specified information on claims for
31 unemployment benefits in the previous month. The report is to
32 be submitted by the first of any month in which a proclamation
33 of disaster emergency relating to COVID-19 remains in effect.

34 The bill takes effect upon enactment.